

REMARKS

I. Status of the Application:

The Applicant wishes to thank the Examiner and his supervisor for the teleconference of April 21, 2009.

Claims 42-71 are pending and all claims are rejected.

By this Amendment, claims 42-53 and 55-66 have been amended. No new matter is believed to have been added by these changes. Upon entry of these changes, claims 42-71 would still be pending.

II. Written Statement of Substance of Interview:

Pursuant to MPEP § 713.04, a written statement of the substance of the telephonic interview conducted on April 21, 2009 with the Examiner and his supervisor is provided. During the interview, the pending claims and outstanding rejections were discussed. Agreement was reached that the proposed amendments and citations to the specification (as reiterated herein) addressed the rejections under 35 U.S.C. § 112, first and second paragraphs. There was also discussion concerning the prior art rejections under 35 U.S.C. §§ 102 and 103 and how the claims are believed to be distinguishable over the cited reference(s). Those distinctions are set forth in this response for the Examiner's reconsideration. The Examiner and his supervisor indicated that they would re-evaluate the prior art rejection when the response is filed.

III. Claim Rejection – 35 U.S.C. §112, First Paragraph:

A. CLAIMS 42, 55 AND 68-69:

Claims 42, 55 and 68-69 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description, namely with respect to the language, i.e., receives information specifying a file recorded on a recording medium, a third reception unit, and a third transmission unit, etc.

Claims 42 and 55 have been amended to clarify that a reception unit or a transmission unit performs the three reception or transmission operations previously claimed. These aspects are supported by the specification, such as by the exemplary embodiment of Fig. 6 and the accompanying description.

As to the language “the information specifying a file recorded on a recording medium”, it is respectfully submitted that this aspect is for example supported at least by the exemplary embodiments of Figs. 6 and 7 in which the PC 101 acquires folder related information or data of how many pieces of object data exists, etc. from the digital camera 100.

Accordingly, claims 42, 55 and 68-69 are believed to satisfy the requirements of 35 U.S.C. §112, first paragraph.

B. CLAIMS 46 and 59:

Claims 46 and 59 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description, namely with respect to the language, i.e., requires less time to receive than the rest of the attribute information not to be received.

In response, it is respectfully noted that the Specification states, in part: “In this embodiment, it takes longer time to acquire the information of the category 2 than that of the

category 1.” That is, category 2 information takes longer to receive than category 1 information, or category 1 information takes less time to receive than category 2 information. Accordingly, the specification provides exemplary support with respect to the subject matter of claims 46 and 59 as would be understood by one of ordinary skill in the art.

Accordingly, claims 46 and 59 are believed to satisfy the requirements of 35 U.S.C. §112, first paragraph.

C. CLAIMS 53 AND 66:

Claims 53 and 66 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description, namely with respect to the language, i.e., part of the attribute information of the file to be received by said second reception unit includes information obtainable without analyzing the file.

In response, it is respectfully noted that the Specification states that “the digital camera 100 generates object attribute information corresponding to category 1 which is acquirable in relatively short periods of time, previously mentioned.” The specification further states that “the camera 100 ... generates object attribute information corresponding to category 2 which is unacquirable without analysis and thus requires some time for acquisition processing...” In other words, category 1 information is acquirable in a relatively short period of time because it is acquirable without analysis as compared to category 2 information which is acquirable with analysis of the file. It is respectfully submitted that one of ordinary skill in the art would understand the subject matter of these claims to be supported by the specification.

Accordingly, claims 53 and 66 are believed to satisfy the requirements of 35 U.S.C. §112, first paragraph.

IV. Claim Rejection – 35 U.S.C. §112, Second Paragraph:

Claims 42, 55 and 68-69 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite, namely with respect to the language, i.e., a first reception unit, a second reception unit, a third reception unit, a first transmission unit, a second transmission unit and a third transmission unit.

As noted above, the claims have been amended to reflect a reception or transmission unit that implements a first, second and third reception or transmission operation respectively. Thus, claims 42, 55 and 68-69 are believed to be definite.

V. Claim Rejection – 35 U.S.C. §§ 102 and 103:

Claims 42-45, 47, 49-52, 54-58, 60, 62-65 and 67-71 are rejected under 35 U.S.C. §102(e) as being anticipated by Tanaka (US 7,327,387) (“Tanaka”). Claims 46 and 59 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Yamazaki (US 6,724,777) (“Yamazaki”). Claims 48 and 61 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Chiba (US 2001/0047403).

Claim 68 is directed to a method involving a first reception step of, in a case where the information processing apparatus is connected to the information input apparatus, receiving information specifying a file recorded on a recording medium of the information input apparatus; a second reception step of, after the reception in said first reception step, receiving part of attribute information, not all of the attribute information, of the file recorded on the recording medium of the information input apparatus; and a third reception step of, after the reception in said second reception step, receiving information which has not been received in

said second reception step, not all of the file, among information included in the file recorded on the recording medium of the information input apparatus.

That is, in claim 68, an information processing apparatus receives information specifying a file recorded on a recording medium in a first reception step, receives part of attribute information of the specified file in a second reception step and receives information of the specified file (not received in the second reception step) in a third reception step. As such, as reflected in the claim, the file is transmitted in parts.

On the contrary, Tanaka discloses a system connecting an electronic camera 10 and a communication device 80. In Tanaka, the camera 10 first transmits the names of directories and the names of files to the communication device 80, then the camera transmits the “whole file” corresponding to the name of a file selected from the names of files by the device 80 (see col. 11, lines 11-36 and col. 20, lines 8-25). The steps S126 through S132 relate to the transmission of a target or demanded file, and is silent as to such a file being transmitted or received in parts. The Office Action does not adequately address this aspect as claimed with respect to the second and third reception operations.

For example, in step S128 of Tanaka, image pick-up parameters are merely set in the electronic camera 10. The electronic camera 10 does not transfer anything, and a communication device does not receive anything in this step. Tanaka thus does not disclose “a second reception operation”. Further, in step S132 of Tanaka, the electronic camera 10 converts and transmits whole image data to the communication device. Tanaka thus does not disclose “a third reception operation”.

Accordingly, Tanaka is silent as to the claimed operation of the first reception step, the second reception step and the third reception step to receive information specifying a

recorded file and the recorded file in parts, as claimed. The remaining references are not relied upon as teaching the deficient aspects. Thus, claim 68 is distinguishable over the cited reference(s).

For similar reasons, the apparatus claim 42 corresponding to method claim 68 and the claims dependent from claim 42 are distinguishable over the same. Similarly, the transmission related claims 55 and 69 and their dependent claims are distinguishable over the same.

With respect to dependent claims 46 and 59, these claims further require that the attribute information to be received or transmitted in the second reception or transmission operation requires less time to receive or transmit than the rest of such information not received or transmitted (e.g., that which is received or transmitted in the third reception or transmission operation). The Examiner acknowledges that this aspect is not shown by Tanaka. The remaining reference Yamazaki as relied upon by the Examiner does not remedy the deficiencies of the Tanaka teachings and teaches away from the claimed arrangements. As noted above, the claims involve piecemeal transmission of file information, e.g., in parts. On the contrary Yamazaki discusses transferring all the data at once in the general context of wireless communications which would require less time than transferring the same data piecemeal. Accordingly, claims 46 and 59 are further distinguishable over the cited references, individually or in combination.

CONCLUSION

Based on the foregoing remarks, the Applicant respectfully requests entry and consideration of these amendments.


DEPOSIT ACCOUNT AUTHORIZATION

The Commissioner is authorized to charge any additional fees which may be required for timely consideration of this response, or credit any overpayment to Deposit Account No. 504827, Order No. 1004288.53520.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 1004288.53520.

Respectfully submitted,
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